

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

GARRATT EUGENE ROYALTY,)	
)	
Plaintiff,)	
)	
v.)	CV 118-051
)	
CHESTER V. HUFFMAN; JOHN H. BUSH;)	
CASSANDRA HAYNES; DR. RANDALL)	
WILLIAMS; KRYSTAL JOHNSON; and)	
HEATHER ASHLEY,)	
)	
Defendants.)	

ORDER

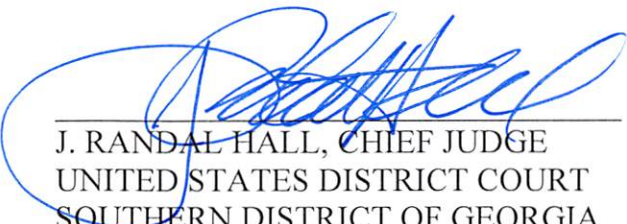
After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. no. 13.) The Magistrate Judge recommended dismissing Defendants Huffman, Bush, and Haynes from this case because they cannot be held liable merely by virtue of their supervisory positions at the Burke County Jail. (See doc. no. 8, pp. 4-7.) Plaintiff argues they should not be dismissed because he "has brought multiple complaints and grievances to the officials' attention, and they've all been ignored." (Doc. no. 13, p. 2.) However, as the Magistrate Judge explained, alleging that a defendant viewed a letter or a grievance about a problem, or even mishandled a grievance, is not grounds for imposing vicarious liability. (Doc. no. 8, pp. 5-6 & n.2.) Moreover, courts have recognized that supervisory correctional officials who are not medical professionals must rely on the decisions of trained medical practitioners

regarding care provided to inmates. See Rutledge v. Lift, CV 307-055, 2009 WL 2842739, at *8 (S.D. Ga. July 22, 2009) (citing Waldrop v. Evans, 681 F. Supp. 840, 848-49 (M.D. Ga. 1988)), *adopted by* 2009 WL 2900276 (S.D. Ga. Sept. 3, 2009). The Magistrate Judge directed service of process on the three Defendants that Plaintiff named as the medical professionals responsible for his treatment. However, the three supervisory jail officials who may have received grievances about Plaintiff's medical issues but relied on the medical decisions of trained professionals in deciding how to address Plaintiff's concerns cannot be held liable for the reasons explained by the Magistrate Judge.

Plaintiff also attached to his objections sixteen pages of information about exhaustion of administrative remedies. (Doc. no. 13, Ex. C.) As nothing in the Report and Recommendation addressed exhaustion, and as discussed above, the three supervisory jail officials cannot be liable based on their handling of the grievances, that information forms no basis for changing the Magistrate Judge's analysis.

Accordingly, the Court **OVERRULES** all objections and **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion. Therefore, the Court **DISMISSES** Defendants Huffman, Bush, and Haynes from this case.

SO ORDERED this 13th day of June, 2018, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA